

REMARKS/ARGUMENTS

This response is filed in response to the office action of January 22, 2010.

Claims 1, 29-37 are currently pending.

Rejections under 35 U.S.C. §102

Claims 1, 29 and 31-37 were rejected under 35 U.S.C. §102(b) as anticipated by Nields.

Nields:

Nields describes a system for 'x-ray imaging and ultrasound imaging of a body region of interest in a spatially correlatable manner...' (Abstract).

In order to reject a claim under 35 U.S.C. 102, every limitation of the claims should be shown or suggested by the references. The Examiner states that Nields describes each element of the claimed invention, but failed to give patentable weight to the claimed limitation of acquiring a pre-scan ultrasound "for optimizing exposure parameters of the x-ray source". The Examiner stated, on page 3 of the office action, that "Examiner interprets pre-scan ultrasound image data to be ultrasound image data acquire from an ultrasound scan before an x-ray scan. The system has a structure that is capable of acquiring a pre-scan ultrasound image data..."

Applicant respectfully disagrees with the Examiner's position that, since Nields is capable of obtaining an ultrasound and x-ray image, it meets the limitations of the claims. In particular, with regard to the 'structure' argument of the Examiner, there is structural language in the claim which is *not* taught by Nields, i.e., the feedback of information from the ultrasound acquisition for adjustment of x-ray imaging parameters. No such structure is taught or suggested by the Nields reference, and the

statement by the Examiner that Nields teaches this structure is overreaching. However, in the interest of clarifying the language for the Examiner, Applicants have amended the independent claims to more particularly recite this feedback structure. Accordingly, it is submitted that the rejection under 35 U.S.C. 102 is improper and should be withdrawn.

Conclusion

In light of the above Remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Office should have any questions or other issues to discuss, please do not hesitate to contact the undersigned attorney.

It is believed that a three month extension of time is required for consideration of this amendment. The Examiner is hereby authorized to charge the Deposit Account No. 50-2855 for any actual deficiency. The Examiner is also authorized to credit any overpayment to Deposit Account No. 50-2855.

7/22/10

Respectfully submitted,

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